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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/307,356	05/07/1999	WILLIAM ALLAN	91436-171	4713

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EXAMINER

HSU, ALPUS

ART UNIT PAPER NUMBER

2665

DATE MAILED: 11/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/307,356

Applicant(s)

ALLAN ET AL.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 29, 30, 32, 33 and 39-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 29 is/are allowed.
- 6) ☒ Claim(s) 30, 32, 33 and 39 is/are rejected.
- 7) ☒ Claim(s) 40 and 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

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However, Focsaneanu et al., do indicate that the data network may include a packet switched network using protocols such as TCP/IP, X.25, ATM, ..., etc.. It is also well known in the art and commonly adopted in data communications field to include IP messages in user input messages for Internet related application and service.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to include IP messages received from IP network in user input messages for providing Internet related service for Internet related application to improve the system compatibility.

4. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in U.S. Patent No. 5,610,910 (of record) in view of Wang et al. in U.S. Patent No. 6,161,134 (of record).

Referring to claims 32 and 33, Focsaneanu et al. disclose a network intelligence for a data network, comprising: a call service provider (200) for, when connected to a plurality of data network telephones, facilitating provision of telephony services for said plurality of telephones (column 7, lines 20-29).

Focsaneanu et al. differ from the claim, in that, they do not disclose the user input messages from the telephone including IP messages received from an IP data network.

However, Focsaneanu et al., do indicate that the data network may include a packet switched network using protocols such as TCP/IP, X.25, ATM, ..., etc.. (col. 7, lines 11-18). It is also well known in the art and commonly adopted in data communications field to include IP messages in user input messages for Internet related application and service.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to include IP messages received from IP network in user input messages for providing Internet related service for Internet related application to improve the system compatibility.

Furthermore, Focsaneanu et al. also differ from the claims, they do not disclose a control messenger for selectively sending a control message to enable/disable a user input element of a given telephone of the plurality of telephones to locally control a function at the given telephone, providing the user input element comprises a volume control, which is a well known device and commonly used in communications field for selective control purpose.

Wang et al., for example, from the similar field of endeavor, teaches a control messenger (320 or 343) for selectively sending a control message to enable/disable a user input element of a given telephone of the plurality of telephones to locally control a function at the given telephone (see column 18, lines 7-27, column 21, lines 23-57), providing the user input element comprises a volume control (column 22, lines 54-66).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the control messenger of Wang et al. into the system of Focsaneanu et al. to provide selective control on the data network telephones to further improve the system reliability and efficiency.

5. Claim 39 is rejected under 35 U.S.C. 103(a) as being unpatentable over Focsaneanu et al. in U.S. Patent No. 5,610,910 (of record) in view of Wong et al. in U.S. Patent No. 5,881,103 (of record).

Referring to claim 39, Focsaneanu et al. disclose a network intelligence for a data network, comprising: a call service provider (200) for, when connected to a plurality of data

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network telephones, facilitating provision of telephony services for the plurality of telephones (column 7, lines 20-29).

Focsaneanu et al. differ from the claim, in that, they do not disclose the user input messages from the telephone including IP messages received from an IP data network. However, Focsaneanu et al., do indicate that the data network may include a packet switched network using protocols such as TCP/IP, X.25, ATM, ..., etc.. (col. 7, lines 11-18). It is also well known in the art and commonly adopted in data communications field to include IP messages in user input messages for Internet related application and service.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of invention, to include IP messages received from IP network in user input messages for providing Internet related service for Internet related application to improve the system compatibility.

Furthermore, Focsaneanu et al. also differ from the claim, they do not disclose a messenger within the call service provider for sending messages with audio parameters over the data network to the plurality of telephones for controlling audio at the plurality of telephones, the audio parameters including transmission and reception filters, which is also well known device in the art for audio equalization and compensation purposes.

Wong et al., for example, from the similar field of endeavor, teach the use of a processor (206) for sending messages with audio parameters over the data network to the plurality of telephones for controlling audio at the plurality of telephones, the audio parameters including transmission and reception filters (see column 3, lines 20-43).

Thus, it would have been obvious to one of ordinary skill in the art to incorporate the processor of Wong et al. into the system of Focsaneanu et al. to provide audio signal equalization and compensation to further improve the system quality control.

6. Claims 1-4 and 29 are allowed.

7. Claims 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

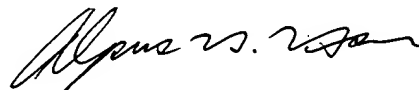
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on (571)272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AHH



Alpus H. Hsu
Primary Examiner
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